

Filed for intro on 02/02/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB0935  
By Haynes

AN ACT to amend Tennessee Code Annotated, Section 47-29-101, relative to the collection of bad checks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-29-101, is amended by adding the following as new, appropriately designated subsections:

( ) (1) The presiding judge of the criminal court of each county may by written order establish a schedule of cash bonds for the future appearance in court of any person arrested pursuant to Section 39-14-121. The schedule of bond amounts shall be sufficient to cover court costs, minimum fines as set forth in Section 39-14-105, and restitution. At the time of posting the bond, the warrant shall contain the following language:

“IF YOU GIVE A CASH BOND AND FAIL TO APPEAR FOR TRIAL, THIS BOND WILL BE FORFEITED AND MAY CONSTITUTE A MISDEMEANOR GUILTY PLEA.”

( ) (2) If a person who gives a cash bond fails subsequently to appear for trial, such failure may constitute a guilty plea and the cash bond may be forfeited. It shall not be necessary for the state to take any further action to forfeit the cash bond. Forfeiture of a cash bond may be considered to constitute imposition and payment of a fine and restitution and, if so considered, shall be a bar to a subsequent prosecution of the accused for the violation in accordance with Section 39-14-105.

( ) (3) If the judge determines that substantial justice will not be accomplished by the forfeiture of the bond amount and the disposition of the charges with prejudice, the forfeiture of the cash bond shall not be considered a plea of guilty nor constitute a bar to a subsequent prosecution of the defendant for the violation, and any moneys forfeited under the bond shall be held by the clerk of the court pending subsequent prosecution.

( ) (4) Upon a conviction under a subsequent prosecution, the proceeds of any cash bond shall be applied and distributed toward restitution, fine, and court costs imposed by the court.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.